



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11835 of 2020

1. Bala Ganesh
2. Subakaran
3. Sam Justus

... Petitioners/Accused 1 to 3

Vs

State rep.by,
The Inspector of Police,
Jayamangalam Police Station,
Theni District.

... Respondent/Complainant

For Petitioner : M/s.P.Subbiah,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.671 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A-1 to A-3 apprehending arrest at the hands of
the respondent police for the offences punishable under sections 287
& 304 of IPC, in Crime No.671 of 2020 on the file of the respondent
police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is
wife of the deceased, namely; Murugaraja who was working as Fitter
in Tata Coffee. On 22.09.2020 at about 03.00 p.m., her husband along
with one Tharik Mohammed were doing repair works in the Goods Life
inside in the factory premises, lift fell down and the husband of
the defacto complainant died. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are working as Deputy Manager, Assistant Manager and Electrical incharge, respectively; and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police.

6. Considering the fact and circumstances of the case and considering the fact that the gravity offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m., for a period of Four weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/10/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM,
THENI DISTRICT
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
 3. THE INSPECTOR OF POLICE,
JAYAMANGALAM POLICE STATION, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SUBBIAH Advocate SR.No.20756 (F)

ORDER
IN
CRL OP(MD) No.11835 of 2020
Date : 29/10/2020

KSA
PK/JC/SAR-III/04.11.2020 : 3P/6C